THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :21105 of 2005

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Dated: 30.09.2005

Between:

1. Kaushalya Devi Alias

Shahanaz Begum, W/o late Obaidullah Khan and another.

..**Petitioner**

And

1. The Government of A.P., rep., by its

Secretary, department of communications, New Delhi and

Others .. **Respondents**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

-

WRIT PETITION NO :21105 of 2005

ORDER:(Per Hon'ble Smt. Justice T. Meena Kumari)

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This writ petition is filed seeking a direction, in the nature of writ of Certiorari, to set

aside the order dated 6.5.2005 passed by the Central Administrative Tribunal in O.A.No.455 of 2005.

The petitioners herein are the applicants in the O.A.

The present O.A has been filed by the applicants that the husband of the 1st applicant died in harness on 11.7.2002 and hence, she made a representation on 10.8.2002 to provide employment to her son-2nd applicant on compassionate grounds. In spite of remainder, dated 1.4.2003, the respondents have not taken any steps. Hence, she filed the present O.A. The tribunal dismissed the said O.A. on the ground of limitation. Aggrieved by the same, the present writ petition is filed.

Heard the learned Counsel and perused the material available on record.

The main grievance ventilated by the applicants is that the husband of the 1st applicant died on 11.7.2002 and she has made a representation on 10.8.2002 seeking to provide employment to her son-2nd applicant on compassionate grounds. They waited for a period of two and half years for orders of the authorities concerned with a hope of getting employment on compassionate grounds, and as no orders have been passed, they approached the Tribunal and therefore, the order of the Tribunal in rejecting the O.A. on the ground of limitation is not justified.

As can be seen from the record, the 1st applicant, who is the mother of the 2nd applicant, made a representation within one month from the death of her husband seeking to provide employment to her son-2nd applicant on compassionate grounds.

Admittedly, there is no dispute that the representation is not made within the stipulated time. It is an admitted fact that the said representation is still pending with the department for consideration. Since the application seeking appointment on compassionate grounds is pending with the department and so far no orders have been passed by the time of approaching the Tribunal, the delay in approaching the Tribunal by the applicants cannot be said to be a lach on their part. Apart from that, no explanation has been submitted by the respondents-department before this Court as to the long pendency of the representation made by the applicants for compassionate appointment and therefore, we hold that there are laches on the part of the respondents-authorities.

In such view of the matter, without expressing any opinion on the merits of the

case, we feel it appropriate to direct the respondents-authorities to pass appropriate orders on the representation dated 10.8.2002 made by the applicants, within a period of two months from the date of receipt of a copy of this Order.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 30.09.2005

Nn/Bud.